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Letter from the Secretary of the Interior, transmitting a supplemental report on certain Indian depredation claims

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INDIAN DEPREDAATION CLAIMS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A supplemental report on certain Indian depredation claims.

FEBRUARY 7, 1885.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1885.

SIR: I have the honor to transmit herewith, as a supplement No. 3 to report on certain Indian depredation claims, dated December 10, 1884, an abstract showing the nature, character, and amount of certain claims of that nature reported to the Department, and not included in reports heretofore made.

The claims are numbered 1 to 3, inclusive.

Very respectfully,

H. M. TELLER, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Abstract of claims for losses through depredations by Indians.

No. of claim.	Name of claimant and post-office address.	Amount of claim.	Date of depredation.	Place where depredation was committed.	Date of presentation of claim.
1	W. C. Oburn, Cheyenne and Arapaho Agency, Ind. T.	\$62,360 27	1883, Nov. —	Cheyenne and Arapaho Reservation, Ind. T.	1885. Jan. 10
2	Green Arnold, La Grange, Oreg...	9,496 00	1855. Oct. —	Umatilla County, Oregon....	1884. Apr. 28
3	R. H. Holbrook, Bellingham Bay, Wash.	1,378 20	1854. May 28	Whatcom County, Wash...	1855. Jan. 5 1881. Mar. 28

Abstract of claims for losses through depredations by Indians—Continued.

No. of claim.	Tribe to which depredators belong.	Amount recommended by Indian Office.	Date of Department action.	Remarks.
1	Cheyenne and Arapaho	\$46,770 21	1885.	Treaty.
2	Walla Walla and other	7,596 80	Jan. 27	
3	Washington Territory	None.	Feb. 4 Feb. 6	

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1885.

SIR: In compliance with the first clause of section 445, Revised Statutes, I have the honor to transmit herewith the reports, papers, and evidence in the claim of William C. Oburn, beef contractor, Cheyenne and Arapaho Agency, Indian Territory, for compensation on account of depredations alleged to have been committed by Cheyenne and Arapaho Indians, amounting to \$62,360.27, in 1883 and 1884.

A report of the Commissioner of Indian Affairs, dated January 27, 1885, shows the nature, character, and amount of said claim, the evidence presented in support thereof, and the action taken by that officer under the rules and regulations prescribed by this Department, under section 466 Revised Statutes, for the investigation of such claims.

He recommends an allowance of \$46,770.21, to be paid from moneys due or to become due the said Indians under treaty stipulations.

The claim is respectfully submitted for the action of the Congress.

Very respectfully,

H. M. TELLER,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 27, 1885.

SIR: I have the honor to submit herewith the claim of William C. Oburn, amounting to the sum of \$62,360.27 on account of depredations alleged to have been committed by Cheyenne and Arapaho Indians, in the Indian Territory, in the years 1883 and 1884.

Exhibit A.—Claimant in his sworn declaration, dated January 10, 1885, in substance states that he is a beef contractor to the Cheyenne and Arapaho Indian Agency, Indian Territory, and that late in the month of November, 1883, he put upon said Indian reservation 7,800 head of cattle, to be used in filling his beef contract with the Government, and that 5,413 head of said cattle is all that can be found. Claimant further says that his shrinkage in former years from all causes never exceeded 2 per cent., allowing upon this basis a loss of one hundred and fifty-six head (156), leaving a balance of 2,231 head to be accounted for. That the Indians in open council admitted the killing of cattle, from one to two a day, and that he has recovered 303 hides sold by the Indians from his cattle killed by them, making his account appear as follows:

2,231 head of cattle at \$28.17.....	\$62,847 27
Cr. by 303 hides recovered	487 00
Balance due claimant	862,360 27

Claimant further states that, from the 1st of July, 1884, up to and including January 1, 1885, he has delivered to the agency 4,272 head of cattle, for which he has received the sum of \$120,355, making on an average of \$28.17 per head; taking this

price as a basis of value, the above sum of \$62,847.27, less \$487 (for hides), would be due him for said 2,231 head of cattle which were at all times carefully guarded and cared for; and further, he has never at any time attempted to obtain private satisfaction, or revenge for his losses.

Exhibit B.—Claimant in support of his claim files the affidavit of T. Connell, who, under date of January 9, 1885, in substance, states that he is and has been a licensed trader for the past four years at the Cheyenne and Arapaho Agency, Indian Territory, and that in the conduct of his business he purchased from the Indians hides taken from the cattle issued to them by the Government, and branded "I D." He also brought from the Indians other hides not so branded, numbering 303, but having the brand of the owners of cattle which was recognized as the brand of W. C. Oburn, claimant, for which the claimant was accredited upon his books in the sum of \$487. From reliable reports the belief is (the trader adds) that the Indians are still killing cattle in large numbers on the range.

Exhibit C.—The affidavit of A. M. Walker is also filed in support hereof, who, under date January 12, 1885, in substance states that he is in the employ of claimant and has full charge of all the live stock and employes of Mr. Oburn, claimant, beef contractor. That formerly the skrinkage in the number of cattle of the range (Cheyenne and Arapaho) was slight, seldom being over 1 or 2 per cent. For the past year it has been enormous, and can be accounted for in only one way—that the cattle have been killed by the Indians; that out of 7,800 cattle turned on said range only 5,413 head can be found, showing a loss of 2,387 head. Said cattle were "double wintered" Texas and Colorado bred stock, three and four years old; and, further, that he spent the winter on the range, and knows they did not die of natural causes; that he had representatives in every "round up" in the Territory to reclaim any stray cattle that could be found, and that, making a liberal allowance for the usual shortage, the Indians must have taken at least 2,231 head of cattle; that many Indians acknowledged the killing of cattle, and say they will kill more. Horns and hoofs and evidences of that character of the wholesale slaughter of cattle on the range is abundant, and that said cattle were well worth the price claimed, namely, \$28.17 per head; and, further, he has no interest in the claim.

Exhibit D.—The affidavit of William Frass is also filed in support of said claim, who, under date January 9, 1885, in substance, states that he is a white man, and married in the Cheyenne tribe of Indians some twelve years ago, and is owner of a stock of cattle located about 4 miles west of the agency; that parties told him the Indians had killed claimant's cattle; and, further, that being a member of the tribe, he has been knowing to the Indians killing cattle for the past two years; that Powder Face's band, on the Canadian River, to his own knowledge, have been killing from one to two per day, and that the hides were made into moccasins and ropes, and that hides bearing the "I D" brand were sold to the traders, and that several bands are now killing cattle.

Exhibit E.—The affidavit of George Bent is also filed in support hereof, who, under date January 12, 1885, in substance, states that he is a member of the Cheyenne tribe of Indians from birth; that he speaks their language and has been the interpreter at the agency for the past 12 years, and knows what is going on among the tribes all the time, and that the Indians have been killing cattle for the past two years, and for the last year it has been growing worse, and that the Indians look upon the cattle belonging to the contractor as their own. The interpreter further states, that the Indians acknowledged to him in council with the agent that they were killing cattle, and that he was informed by a number of Powder Face's band that they had killed 40 head of cattle belonging to claimant during the months of February and March of last year.

Exhibit F.—The affidavit of J. M. Anderson is also filed, who, under date January 10, 1885, in substance, states that he is an employe of claimant, and that he has visited Indian lodges located east of the agency, and has discovered the Indians in the act of killing cattle, and that he has seen them kill 33 head belonging to claimant. Affiant further states, it is an every day occurrence to meet Indians packing beef on their ponies or hauling it in their wagons, and that they had killed on the range, and destroyed everything that would indicate to whom they belonged.

Exhibit G.—The affidavit of Charles Anderson is also filed, who, under date January 10, 1885, in substance states, that he is an employe of claimant engaged on the issue-gang; that he saw the Indians kill three steers, and also found the hides of five more among the bands camped on the South Canadian, all belonging to the cattle of claimant.

Exhibit H.—The affidavit of Samuel Mathews is also filed, who, under date January 9, 1885, in substance, states that he is a stockman, and has lived in the Indian Territory for the past four years, and has been in the employ of claimant, and after the Indians commenced killing cattle he was placed at the agency to inspect and reclaim hides as they were brought in and sold to Mr. Connell, the trader; and that he recovered 303 that were taken from cattle belonging to claimant; and that up to

date he has kept an account of 116 more not branded I. D. found in the lodges of the Indians.

Exhibit I.—The affidavit of Joseph Collins is also filed in support of Mr. Oburn's claim, who, under date January 10, 1885, in substance, states that he was in the employ of claimant, and held a herd of cattle of his on the "King Fisher," a stream 15 miles north of the agency; that when he moved south he was 40 head of cattle short, and he believes the Indians killed them, and further that he saw them kill 17 head of them; that while riding the range on the Canadian, near the lodges of Powder Face's band of Arapahoes, he also saw them kill 22 head of cattle belonging to claimant.

Exhibit J.—The affidavit of John Poisal is also filed, who, under date January 10, 1885, in substance, states that he belongs to the Arapaho tribe of Indians, and understands their signs and speaks their language, and lives east of the agency, on the Canadian; that he mingles with and has frequent talks with the Indians, and knows what they are about all the time, and that the Indians commenced killing cattle about one year ago; that they have killed three and four at a time, both day and night, and that he is satisfied that they have killed at least 400 mostly belonging to contractors.

Exhibit K.—United States Indian Agent D. B. Dyer, of the Cheyenne and Arapaho Indian agency, in reporting upon the claim under date January 12, 1885, in substance, states that the facts as set forth in this claim have been known to him for some time. That he has had several councils with the Indians on the subject of killing cattle, and they nearly all admit that it has been the practice of their young men to kill cattle on the range without regard to their having been issued to them by the Government. The agent further adds that he submitted the claim to the Indians, and a number of them admitted that they knew of the depredation on Mr. Oburn's herd by their people, and recognized the justness of his claim; they could not, however, tell how many of his cattle were killed, but said it was the general practice. A majority of the tribes promised that they would try and restrain their young men from further killing of cattle, while a few openly said they would kill when and where they pleased, and told him to take notice of the fact. The credibility of claimant, and those who have testified in his behalf, is good beyond any question; they are reliable, straightforward citizens, and their statements are entitled to credit. The agent also says that the facts as set forth are known to every one in that section of the Territory, and he believes the statements as set forth by claimant and the proofs submitted, and the number of cattle claimed as having been killed is not in excess of his actual loss, and the prices charged are reasonable and just.

After an examination of all the evidence submitted, I am of opinion the depredation was committed; but the evidence, in my opinion, is not conclusive as to the amount claimed. I, therefore, recommend that claimant be allowed the sum of \$46,770.21, said sum to be paid from moneys due or to become due said Indians under treaty stipulations.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

EXHIBIT A.

HEYENNE AND ARAPAH0 AGENCY, *Indian Territory, ss:*

On this 10th day of January, 1885, Mr. WILLIAM C. O'BURN, being duly sworn according to law, deposes and says that: I have lost by the depredations of the Cheyenne and Arapaho Indians, on their reservation in the Indian Territory, in the past twelve months, as near as can be estimated, 2,231 head of cattle. I reach this conclusion by reference to my cattle account, which shows a discrepancy that is fully accounted for in the accompanying testimony, excepting the ordinary shrinkage. Late in November, 1883, I put upon the Cheyenne and Arapaho Reservation 7,800 head of cattle, to be used in filling my beef contract with the Government; 5,413 head of these cattle is all that I have ever been able to recover. Before the Indians commenced killing cattle my shrinkage in numbers in former years from all causes never exceeded 2 per cent.; allowing a 2 per cent. shrinkage, or a loss of 156 head on this score, leaves a balance still of 2,231 head to be accounted for.

In the light of the testimony adduced, in which the Indians in open council acknowledged the killing of cattle, when certain bands are known to be killing one to two beeves a day, when positive proof has been furnished in the testimony of T. Connell, George Bent, and others of the slaughter of 541 head of the missing stock, the shortage of 2,231 head, in my mind, is clearly accounted for, and, that is, that they have

been eaten up by the Cheyenne and Arapaho Indians; and for that number I claim to be entitled to receive pay.

The value of these cattle is \$30 per head. To remove doubt on this point, I will state that I have delivered to the Government since the 1st day of July, 1884, up to and including the 1st January, 1885, issue at this agency, 4,272 cattle, for which I received the sum of \$120,355, or an average of \$28.17 per head. Taking this as a basis of value, I claim pay for 2,231 head at \$28.17 per head, less \$487, or the net sum of \$62,360.27.

I have never sought private satisfaction or revenge for the loss of the described property, nor have received in any way compensation therefor, except from the sale of 303 hides recovered, to T. Connell, for the sum of \$487, and which is credited on the above claim.

My stock is carefully guarded at all times, and the loss that has come to me I have been powerless to prevent.

WILLIAM C. O'BURN.

Subscribed and sworn to before me at Cheyenne and Arapaho Agency, Indian Territory, this 10th day of January, 1885.

D. B. DYER,
U. S. Indian Agent.

EXHIBIT B.

CHEYENNE AND ARAPAHO AGENCY,
Indian Territory, January 9, 1885.

Mr. T. CONNELL, being duly sworn, deposes and says:

I am now and for the past four years have been a licensed trader at the Cheyenne and Arapaho Agency, Indian Territory. In the conduct of my business I purchased from the Indians, from time to time, the hides taken from the cattle issued to them by the Government for beef purposes, together with any other hides and peltry they may offer for sale. The hides taken from the cattle issued to them by the Government are distinguished by the Government "ID" brand. Other hides bear the brands of the parties to whom the animal belonged before being slaughtered. All hides purchased by me are open to inspection. When it became known that the Indians were offering for sale hides not branded in the Government brand the stockmen of the country caused an inspector to be placed over my purchases. Up to date the beef contractor, Mr. W. C. Oburn, has recovered 303 hides in his brand that did not have the Government "ID" brand, and for which he has credit in the sum of \$487.

The amount paid by W. C. Oburn represents only a fractional part of the real value of said hides, as in most instances something had to be paid the Indians to induce them to give them up. Hides taken from range cattle are not now being brought in, as the orders against the purchase renders them valueless to the Indians. From various sources of information I am convinced that many hides are not brought in at all, but are used up or allowed to decay around their lodges. It is the common report and general belief that the Indians are still killing cattle in large numbers on the range.

T. CONNELL.

Subscribed and sworn to before me at the Cheyenne and Arapaho Agency, Indian Territory, this 9th day of January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT C.

CHEYENNE AND ARAPAHO AGENCY,
Indian Territory, January 12, 1885.

Mr. A. M. WALKER, being duly sworn, deposes and says:

I have been the manager of W. C. Oburn's business in the Indian Territory for the immediate control. Formerly the shrinkage in numbers of cattle on the range from past five years; have full charge of the live stock, and all the hands are under my natural or other causes was slight, seldom being over 1 or 2 per cent. The past year the loss in numbers has simply been enormous, which can be accounted for only in one way, and that is that they were killed by the Indians. Out of 7,800 head of cattle turned loose on this (the Cheyenne and Arapaho) reservation last fall, I have only been able to collect 5,413 head, showing a loss of 2,387. These cattle were double wintered Texas and Colorado-bred stock, three and four years old and were reserved

for winter use because of their superior flesh and ability to withstand the winter. I spent the winter on the range and know that the class of cattle turned loose by Mr. Oburn did not perish by privation or poverty. I keep an efficient outfit, none more so in the country; have had representatives in every "round up" in the Territory the past spring and summer, and have reclaimed all the estrayed cattle that could be found. Making a liberal allowance for the usual shortage, I as firmly believe that Mr. Oburn lost the number of head claimed (2,231) killed by the Indians as if I had witnessed the slaughter of every one of them. Everybody in this country knows of the killing of cattle. Many Indians acknowledge it and say they will kill more. Horns and hoofs and evidence of that character of the wholesale slaughter of cattle on the range is abundant.

Three and four year old wintered Texas cattle could not be bought in this country the past season for less than \$30 per head; and I consider the claim presented by Mr. Oburn against the Government, for 2,231 head of cattle at \$28.17 per head, a just one, but inside of the actual loss he has sustained. I further declare my entire disinterestedness in this matter and in the business of W. C. Oburn.

A. M. WALKER.

Subscribed and sworn before me at the Cheyenne and Arapaho Agency, Indian Territory, this 12th day of January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT D.

CHEYENNE AND ARAPAH0 AGENCY,
Indian Territory, January 9, 1885.

WILLIAM FRASS, being duly sworn, deposes and says:

I married into the Cheyenne tribe of Indians some twelve years ago; am an owner of a stock of cattle located some 4 miles west of the agency; that John Chambers, a man working for George Bent, told me that the Indians killed a steer near my place belonging to Mr. William C. Oburn, a few days ago; that he went and examined the hide, which was left on the ground, and the same did not have the Government "I D" brand; and also stated that another animal was shot through the hips and unable to travel; that this bearing no Government "I D" brand, and both of these animals bore the brand of William C. Oburn, and the property of the said William C. Oburn. I, being a member of the tribe, have been knowing to the killing of cattle by the Indians for the past two years; but lately they have been growing worse. Last July I was on the South Canadian River with Powder Face's band of Indians, of the Arapaho tribe; they killed, to my knowledge, from one to two beeves a day; but my being a white man was not permitted to see the cattle killed. It is the custom of the Indians to conceal the hides of stolen cattle and to make and work them into moccasins and ropes, and the hides bearing the Government "I D" brands they (the Indians) always sell; further, I know of several bands of the Indians west of here that are now killing cattle all the time; they have killed some cattle of mine, but I have never reported this fact to agent here, as the Indians threaten to kill 4 head for every one that I report. I further declare my entire disinterestedness in this matter or in the business of Mr. William C. Oburn.

WILLIAM FRASS.

Subscribed and sworn to before me at the Cheyenne and Arapaho Indian Agency, Indian Territory, this 9th day of January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT E.

CHEYENNE AND ARAPAH0 AGENCY,
Indian Territory, January 12, 1885.

Mr. GEORGE BENT, being duly sworn, deposes and says:

I am a member of the Cheyenne tribe by birth, and have been the interpreter at this agency for the past twelve years, and speak the language. I talk with the Indians frequently, and know what is going on among them all the time. The Indians have been killing cattle some for the past two years; but this last year they have been growing a great deal worse. They look at the contractors' cattle as belonging to them, and kill more of them as they feel that they have a perfect right to do so.

The Indians acknowledged to me in council with the agent that they were killing cattle, and individual Indians have often told me the same thing. I was told by one that lived with Powder Face last spring that Powder Face's band killed during the latter part of February and March, all of which belonged to Mr. Oburn, forty head of cattle.

GEO. BENT.

Subscribed and sworn to before me at the Cheyenne and Arapaho Agency this 12th day of January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT F.

CHEYENNE AND ARAPAH0 AGENCY,
Indian Territory, January 10, 1885.

Mr. J. W. ANDERSON, being duly sworn, deposes and says:

I am an employé of W. C. Oburn; have been holding cattle in the southeast corner of the reservation the past summer, and since the cattle have been turned loose for the winter have been riding the east line between the North and South Canadian Rivers. I frequent the Indian lodges located east of the agency on these streams and intervening creeks. At Mr. Oburn's suggestion, I have kept a memorandum of all the cattle I discovered the Indians in the act of killing since the 1st of July. In all I have seen them kill 33 head that were in Mr. Oburn's brand that had not been issued to them and did not bear the Government "I D" brand. Some of these cattle were killed on Beaver Creek; some on Arapaho Creek; some on what is called Six-mile Creek; but the majority was killed among the lodges on the North Canadian River. It is an every-day occurrence to meet Indians packing beef on their ponies or hauling it in their wagons that they have slaughtered on the range, but they are very careful to conceal or destroy everything that would indicate to whom the animal belonged. There is abundant evidence on the range of the constant killing of cattle, such as heads and feet, but not enough is left behind to determine the owner. I am wholly disinterested in this matter; have no interest whatever in business of W. C. Oburn beyond my monthly salary.

J. W. ANDERSON.

Subscribed and sworn to before me at Cheyenne and Arapaho Agency, Indian Territory, this 10th day of January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT G.

CHEYENNE AND ARAPAH0 AGENCY,
Indian Territory, January 10, 1885.

Mr. CHARLES ANDERSON, being duly sworn, deposes and says:

I work for Mr. Oburn; do not ride the range regularly, as I am engaged in the issue gang.

I saw the Indians kill a steer on Four-mile Creek last September that belonged to Mr. Oburn. Two or three weeks later 2 more on what we call Headquarter Creek. I also found 5 hides among a band of Indians camped on the South Canadian, near the old Washington crossing. The hides and cattle were in Mr. Oburn's brand, and were not branded with the Government brand. I am a disinterested party, and have no interest whatever in the business of Mr. Oburn beyond my salary.

CHARLES ANDERSON.

Subscribed and sworn to before me at the Cheyenne and Arapaho Agency, Indian Territory, this 10th day January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT H.

CHEYENNE AND ARAPAH0 AGENCY,
Indian Territory, January 9, 1885.

Mr. SAMUEL MATTHEWS, being duly sworn, deposes and says:

I have lived in the Indian Territory most of the time for the four years. Am a stockman by occupation. For the past two years and a half have been in the employ

of W. C. Oburn, the present beef contractor. Am usually occupied herding cattle or riding the range, but at times have been assigned special duties. Some time after the Indians commenced killing cattle I was placed here at the agency to inspect and reclaim hides. I recovered 303 hides, as they were brought in, that belonged to Mr. Oburn and turned them over to Mr. T. Connell, the agency trader. Several hundred hides were bought by Mr. Connell before I commenced inspecting that I did not get to see. Since the Indians quit marketing the hides from stolen cattle have watched the lodges about the agency and have kept a list of all the hides I could find. I have on my memorandum book up to date 116 hides that I found around the lodges in Mr. Oburn's brand that did not bear the Government "ID" brand. I also saw a good many hides that belonged to other stockmen. The hides were mostly mutilated or partially destroyed. A considerable number I could not identify. I have no interest in the business of W. C. Oburn beyond my monthly salary.

SAM MATTHEWS.

Subscribed and sworn before me at Cheyenne and Arapaho Agency, Indian Territory, this 9th day of January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT I.

CHEYENNE AND ARAPAH0 AGENCY,
Indian Territory, January 10, 1885.

Mr. JOSEPH CALLIS, being duly sworn, deposes and says:

I have worked for Mr. Oburn nearly two years. Last August and September I held a herd of cattle on the "King Fisher," 15 miles north of here. The Indians were at my camp every day and tried to get me to move away. When I moved my herd south to turn it loose on the winter range between the Canadian Rivers, I was some 40 head short that I believe the Indians got away with. I caught them in the act of killing 17 head. Eleven head of these were killed on the King Fisher west of the stage stand; 2 on the same stream east of the stage stand, and 4 on the Clear Fork, a stream some 3 miles still farther east. These cattle all belonged to Mr. Oburn; had never been issued and did not bear the Government brand.

I also found seven different places where they had recently killed cattle, having left the head and feet behind. I believe they belonged to my herd, as they were the only cattle in the country at that time. Since the cattle have been turned loose for the winter I have been in camp on the southwest corner of the reservation on the south Canadian River, and near the lodges of Powder Face's band. This band is one of the worst of the Arapaho tribe, and I believe kill cattle every day. I ride the west line of our range running north and south between the two Canadian Rivers. Since some time in October to the present, I have seen the Indians kill 22 head of cattle along my line, that belonged to Mr. Oburn, that had not been issued to them. Five of these were shot down at one time by a band going west into the pastures. The balance were killed singly in the ravines and hollows on the west line of our range.

I have no interest in this matter or the business of Mr. Oburn.

JOE CALLIS.

Subscribed and sworn to before me at the Cheyenne and Arapaho Agency, this 10th day of January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT J.

CHEYENNE AND ARAPAH0 AGENCY,
Indian Territory, January 10, 1885.

Mr. JOHN POISAL, being duly sworn, deposes and says:

I belong to the Arapaho tribe of Indians; understand the signs and speak the language. I live east of the agency, on the North Canadian. Old Horse, Tall Bear, and several other bands of Indians live along the river near me. I mingle with these Indians, have frequent talks with them, and know what they are about all the time. They commenced killing cattle about a year ago. I have seen them kill three and

four at a time. They kill some in the daytime, but the biggest killing is done in the night. Do not know how many they have killed, but am satisfied they have killed at least 400. They kill mostly the contractors' beef, as they think it belongs to them. I do not think it is right, and think it ought to be stopped.

his
JOHN X POISAL.
mark.

Witnesses to mark:

W. H. H. CURTIS.
E. W. MORRIS.

Subscribed and sworn to before me this 10th day of January, 1885.

D. B. DYER,
United States Indian Agent.

EXHIBIT H.

UNITED STATES INDIAN SERVICE,
CHEYENNE AND ARAPAHO AGENCY,
Indian Territory, January 12, 1884.

SIR: In reply to your telegram of the 10th instant, I have the honor to inclose herewith the claim of William C. Oburn, beef contractor, for the loss of cattle killed by Cheyenne and Arapaho Indians, with affidavits of [A] T. Connell, [B] A. M. Walker, [C] William Frass, [D] George Bent, [E] J. W. Anderson, [F] Charles Anderson, [G] Samuel Matthews, and [H] Joe. Collis attached, in support of said claim.

The facts as set forth in said claim have been known to me for several months past, and I have at different times advised your Department of the condition and state of affairs here. I have had several councils with the Indians on the subject of killing cattle, and they nearly all admit that it has been the practice of their young men to kill cattle on the range without regard to their having been issued to them by the Government.

I presented the claim of Mr. Oburn to them, and not a few admitted that they know of the depredations on his herds by their people, and recognize the justness of his claim; they could not tell how many cattle had been killed, but it is recognized as a general practice. The majority of the tribes promise that they will try and restrain their young men from killing cattle, while a few openly said they would kill when and wherever they pleased, and told me to take due notice of the fact. While they admit, in a general way, the justness of this claim, they have no idea of rendering any satisfaction for depredations committed, but, as stated, a few promise to prevent a recurrence in the future, if it is in their power. I have little faith in their ability to do much good in this direction where there are over 6,000 unrestrained Indians to deal with.

I have made a most careful investigation of this whole matter by personal inquiry of reliable whites and Indians, and by questioning persons under oath who have made affidavits in connection with this claim, and believe it is just and fair, and that it should be paid.

The credibility of the claimant and of those who have testified in his behalf is good beyond any question. They are reliable, straightforward citizens, and their statements are entitled to full recognition as being plain facts.

The general facts that are set forth in the affidavits are common property and known to every one in this section of the territory, and I believe the statements as a whole as set forth in the application of Mr. Oburn, and the proof submitted by him is true, and that the number of cattle claimed as having been killed is not in excess of his actual loss, and that the price charged is reasonable and just as compared with prices ruling for the same class of cattle.

I am, very respectfully, your obedient servant,

D. B. DYER,
United States Indian Agent.

Hon. H. PRICE,
Commissioner Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1885.

SIR: In compliance with the first clause of section 445, Revised Statutes, I have the honor to transmit herewith the reports, papers, and evidence in the claim of Greene Arnold, of La Grange, Oreg., for compensation on account of depredations alleged to have been committed by Walla Walla, Cayuse, and Umatilla Indians, amounting to \$9,496, in 1855.

A report of the Commissioner of Indian Affairs, dated February 4, 1885, shows the nature, character, and amount of said claim, the evidence presented in support thereof, and the action taken by that officer under the rules and regulations prescribed by this Department under section 466, Revised Statutes, for the investigation of such claims.

He recommends an allowance of \$7,596.80 to be paid from public funds, there being no moneys due or to become due said Indians under treaty stipulations.

The claim is respectfully submitted for the action of the Congress.

Very respectfully,

H. M. TELLER,
Secretary.

To the SPEAKER HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 3, 1885.

SIR: I have the honor to submit herewith the claim of Greene Arnold, amounting to the sum of \$9,496 on account of depredations alleged to have been committed by Walla Walla, Gayuse, and Umatilla Indians in the year 1855.

Exhibit A.—Claimant, in his sworn declaration dated April 25, 1884, in substance says, that he is a resident of La Grange, Oreg., and that in the year 1855 he resided at Fort Henrietta (now Echo City), Umatilla County, Oregon, and that he had a license from R. R. Thompson, then Indian agent for the Walla Walla, Cayuse, and Umatilla Indians, to trade with said Indians, and also to reside at the Government buildings at said fort; that said agent resided at "The Dalles;" that during the month of October, 1855, at the time of the Yakama war, a raid was made by the hostile Indians on his place, the Government buildings were burned, and the following property belonging to him was totally lost and destroyed, to wit:

80 horses, mares and colts, valued at \$80	\$6, 400
2 head fine mules, valued at \$200.....	400
20 head of cattle (work-oxen and cows), valued at \$75.....	1, 500
2 wagons burned, valued at \$100	200
20 ox-chains, valued at \$3.....	60
6 ox-yokes, valued at \$6.....	36
1 English double-barreled shotgun, valued at.....	100
Blankets, shirts, clothing of all kinds, beads and other goods, suitable for the Indian trade	800
Total amount of losses	9, 496

Claimant further states that every effort was made by himself and friends for the defense of said property and stock, but without avail, and further that he has not at any time ever attempted to obtain private satisfaction or revenge for his losses, nor has he at any time ever received pay for the same.

Exhibit B.—Claimant, in his sworn statement, dated January 10, 1885, states the reasons why he delayed so long before filing his claim is that, during the period between the year 1854 and 1872 it was hard to procure testimony, owing to the fact of Indian troubles, and further that he had placed in the hands of one Levi Anderson papers in the claim to be filed; that said Anderson delivered them to Daniel Chaplin in 1872, who took them to Washington, D. C., and placed them in the hands of B. F. Dowell, purporting to be an attorney and claim agent, to be collected, and who afterwards stated that they (the papers) had been lost or mislaid. Levi Anderson's affidavit is herewith filed, marked Exhibit E.

Exhibit C.—Claimant, in support of his claim, files the joint affidavit of Dr. W. K. McKay, We-nap-Snoot, Yuma Howlish, and We-li-tas (the last three names are Indians belonging to the Umatilla Indian Agency, Oregon), who, under date April 28, 1884, in substance say, each for himself, and not for the other, that the foregoing affidavit of Green Arnold relative to his losses during the Yakama war in Oregon, in the year 1855, is true in every particular, the deponent, Dr. McKay, living in the immediate neighborhood and being a heavy loser at the same time. The other deponents state that they were friendly at that time, and testify to claimant's fair dealings as the duly licensed trader at the agency. And further, that the property destroyed was worth the prices charged, and that every effort was made by claimant and his friends (deponents included) to defend not only claimant's but all other property in danger at that time, but without avail, as they had to flee for their lives, barely escaping.

The affidavit of John McBean, United States interpreter of the Umatilla Agency, is attached, who states that the foregoing affidavits were fully and properly interpreted and explained to the above-named Indians, and that they fully understood the contents thereof and declared the same to be true.

Mr. J. P. Bushee, county clerk of Umatilla County, Oregon, the officer before whom the proofs were taken, certifies that he is personally well acquainted with affiants, and knows them to be reliable and credible persons.

Exhibit D.—United States Indian Agent E. J. Summerville, of the Umatilla Indian Agency, Oregon, in reporting upon the claim under date May 12, 1884, in substance states that from the number of years that he has known claimant, and also from the testimony of the Indians, all of whom are good and reliable, and that he has no doubt but what the claim is just and true, and therefore recommends payment.

After an examination of all the evidence submitted, I am of opinion the depredation was committed as alleged, as it is well known that the various tribes of Indians in Oregon were at war with the whites from 1853 to 1857, inclusive, but in my opinion the charges are too high, and that a deduction of \$1,899.20 should be made. I therefore recommend that claimant be allowed the sum of \$7,596.80, said amount to be paid from public funds, there being no moneys due or to become due said Indians under treaty stipulations.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

THE HON. SECRETARY OF THE INTERIOR.

EXHIBIT A.

STATE OF OREGON,

County of Umatilla, ss:

On this 28th day of April A. D. 1884, before me, J. P. Bushee, county clerk of Umatilla County, State of Oregon, personally appeared Green Arnold, a resident of La Grande, Oregon, to me well known, who being duly sworn according to law, deposes and says:

That in the year 1855 he resided at Fort Henriette, now called Echo City, Umatilla County, State of Oregon; that he had a license from R. R. Thompson, then Indian agent for the Walla Walla, Cayuse, and Umatilla Indians, to trade with said Indians, and also to reside at the Government building at said Fort Henriette; the said Agent Thompson at the time resided at The Dalles, Wasco County, Oregon.

That in the month of October, 1855, during what is known as the "Yakama war," a raid was made by the hostile Indians on his place, the Government building was burned, and the following property belonging to him (deponent) was totally lost and destroyed by said hostile Indians, viz:

80 horses, mares and colts, worth on an average \$80 each.....	\$6,400
2 fine mules, worth \$200 each.....	400
20 head of cattle, consisting of work oxen, cows, &c., worth at the lowest \$75 each.....	1,500
2 wagons burned and destroyed, at \$100.....	200
20 ox chains, at \$3 each.....	60
6 ox yokes, at \$6 each.....	36
Double-bareled shotgun (English).....	100
Goods, consisting of blankets, shirts, clothing of all kinds, beads, and other goods, suitable for the Indian trade at that time, at the lowest estimate valued at.....	800

Total 9,496

Making a total amount of nine thousand four hundred and ninety-six dollars.

Deponent further states that every effort was made by himself and his friends for the defense of said property and stock, but without avail. Deponent also states that he has never endeavored by private satisfaction or revenge to obtain redress against said hostile Indians, nor has he ever recovered any of said stock and property, or received any certificate from any officer or other person that could by any possibility be used as a voucher against the United States, nor has he ever received any compensation whatever for said losses.

He (deponent) makes this affidavit under the provisions of section 466, Revised Statutes of the United States, for the purpose of recovering the said amount of nine thousand four hundred and ninety-six dollars, as all of the above-named property was burned, lost, and destroyed by hostile Indians during said Yakama war of 1855-6.

GREEN ARNOLD.

EXHIBIT B.

DEPARTMENT OF THE INTERIOR, WASHINGTON, D. C.

In the matter of the claim of Greene Arnold for Indian depredations.

STATE OF OREGON,
Union County, ss :

I, Greene Arnold, of lawful age, a resident of La Grande, Union County, Oregon, being duly sworn, upon oath depose and say : That I am the claimant; that I have read the annexed affidavit of Levi Anderson, and that the statements therein made by him are true; that I left the said claim and affidavits therein mentioned with the said Anderson for collection at the time mentioned by him; that during the period between the year of 1854 and 1872 it was extremely hard to obtain testimony of my loss, owing to the fact of Indian troubles; that it was almost impossible to ascertain at that time the extent of our loss, or who caused their loss, owing to the lawlessness of many wandering white men.

That upon the delivery to me, as in the said affidavit set out, of the claim embracing an inventory of the property lost by Indian depredations, together with the minimum valuation thereof, and the corroborating affidavits of such loss, inventory, and appraisement so turned over to me by said Anderson, I delivered the same in the year of 1872 to Daniel Chaplin, esq., of La Grande, Oreg., who had business in Washington, D. C., and was going there in person to carry the same and file in the Department, at Washington, D. C.

That in said year of 1872 or 1873 I was informed by the said Daniel Chaplin that he delivered said claim and affidavits that I had given him to one B. F. Dowell, purporting to be an attorney and claim agent at Washington, D. C., and capable to file and collect such claims before the Departments, who agreed to prosecute said claim for affiant.

That affiant supposed and believed that said Dowell had presented his claim and the same was duly pending for collection until within the last two or three years, when he was informed that Dowell has lost or overlooked said papers, and that they were not properly filed according to law.

That as soon as I found out that my claim was not filed and was not being prosecuted, I made diligent efforts to obtain testimony anew, and owing to the witnesses to all the facts in my case being scattered, and not knowing their whereabouts, it took time, trouble, and expense to make a new claim and obtain proper corroborating testimony; that I have used all reasonable efforts and diligence to file my claim and prosecute the same, and any negligence or delay has not been on my part, nor is it my fault; that said Anderson being interested in said claim I relied upon him to present and file earlier than 1872, and believe he used due diligence to present said claim under the circumstances; that my filing in May, 1884, was as soon as I could, after being defeated by the circumstances above set out and those set out in Anderson's affidavit. And these statements affiant is ready to prove.

GREEN ARNOLD.

Subscribed and sworn to before me by the said Green Arnold on this the 10th day of January, A. D. 1885.

[SEAL.]

C. H. FINN,
Notary Public, Oregon.

EXHIBIT C.

Also, at the same time, personally appeared before me, Dr. W. C. McKay, We-nap-snoot, Yuma Howlish, and We-li-tas, the last three (Indians) all belonging to the Umatilla Indian Reservation, who being duly sworn according to law, each for himself and not one for the other, depose and says:

That all the facts as stated in the foregoing affidavit of Green Arnold, relative to his losses during the month of October, 1855, in the Yakama Indian war at that time are true in every particular—we being living, *i. e.*, Dr. McKay, in the immediate neighborhood at that time, and being a heavy loser himself, having had his house burned down and all his property destroyed at the same time—and the Indians also who were friendly and testify to the integrity and fair dealing of the said Green Arnold as the duly licensed trader at that time.

The amount of the property and stock lost, burned, and destroyed is to the best of our knowledge and belief correct, and the prices charged are very reasonable and just, both horses and cattle and goods of all kinds commanding a high price at that time.

We also declare that every effort was made by Mr. Arnold and his friends (ourselves included) to defend not only this but all other property at the time, but without avail, as we had to flee for our lives, and barely escaped.

We also declare that we have no interest whatever in this claim.

Witness:

WM. MYLES. F. H. SAWTELL.
WM. MYLES. F. H. SAWTELL.
WM. MYLES. F. H. SAWTELL.

WE-NAP-SNOOT, his x mark.
YUMA HOWLISH, his x mark.
WE-LET-IES, his x mark.
W. C. MCKAY.

I, John McBean, official interpreter of the Umatilla Reservation, Oregon, do solemnly swear that the foregoing affidavits were fully and properly interpreted and explained to the Indians above named before being sworn and signing by mark; that they fully understood the whole matter and declare to its truth, in my presence; and that I have no interest whatever in this claim.

JOHN McBEAN,
United States Interpreter.

The foregoing affidavits were sworn to and subscribed before me on this 28th day of April, A. D. 1884; and I certify that I know the affiants to be reliable and perfectly credible persons, and that I have no interest, direct or indirect, in this claim.

In witness whereof I have hereunto set my hand and affixed the seal of the county court, on the day and year last above written.

[SEAL.]

J. P. BUSHEE,
County Clerk, Umatilla County, Oregon.

EXHIBIT D.

UNITED STATES INDIAN SERVICE,
Umatilla Agency, Oregon, May 12, 1884.

SIR: I have the honor to transmit herewith depredation claims of Green Arnold and W. C. McKay, alleged to have been committed during the Yakama Indian wars of 1855-'56, amounting to the sum of \$9,496 and \$19,942.25 respectively, and as they have direct reference to each other, I transmit them together.

From the number of years that I have known those claimants, and also from the testimony of the Indians, all of whom are good and reliable, I have no doubt but what the claims are just and true.

I therefore recommend them for favorable action by the Department, as the amounts charged for the various articles and stock, from all that I can learn, are reasonable and just.

Very respectfully,

E. J. SUMMERVILLE,
United States Indian Agent.

Hon. COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.

EXHIBIT E.

STATE OF OREGON,
Multnomah County, ss :

I, Levi Anderson, being first duly sworn, depose and say, I am of lawful age and reside in the county and State aforesaid.

That being in trade, 1854, in the city of Portland, and Green Arnold having a license to trade with Umatilla, Cayuse, and Columbia River Indians, from R. R. Thompson, Indian agent, I furnished said G. Arnold with a stock of goods suitable for the Indian trade, amounting to \$4,000 or \$5,000, as near as I now can recollect, to be disposed of by him on joint account, he putting his labor and skill against my stock, and divide equally. That said Arnold proceeded to said Indian country, and succeeded in trading for a large band of horses, cattle, and some mules; in 1855 he advised me that the Indians had become sullen and troublesome, and that he could not get away with our stock; in the fall of 1855 I went to his assistance; we went as far as Dr. McKay, on the Umatilla River, beyond the Indian agency; we succeeded in getting but four or five head of cattle; in returning we met the United States troops near the agency, and, on applying to the commander, he kindly furnished me with two mounted soldiers as an escort, who brought me safely to The Dalles.

I left Green Arnold at the Indian agency to make further effort to get our stock out of the Indian country. Shortly after arriving at Portland hostilities commenced, and the Yakama war was inaugurated. That in February or March, 1856, I proceeded to The Dalles and succeeded in taking the affidavits of said Arnold and his employes and others, who had a full knowledge of all the facts in the premises, and had the same reduced to writing before ——— Simms, then clerk of the county court of Wasco County, in due form of law.

That said witnesses each described said animals separately by brand or otherwise, and appraised each animal at its then value in cash (which was before the inflation of prices of that kind of stock by reason of the Yakama war).

That the appraised value of such property lost by said Indian hostilities, as appraised by said witnesses, amounted to rising \$3,000, which I always regarded a low valuation of our losses.

I took said affidavits collectively, and subsequently placed them in the hands of N. P. Dennison, Indian agent, to file in the Indian Department. Some years after, on his retiring from office, or shortly after having retired, he handed them back to me, having failed to present them or in any other manner taking any official notice of the same. Failing in obtaining any official recognition and the difficulty of obtaining a settlement of the Yakama Indian war debts, in addition to the war of the rebellion, discouraged me in taking any further action in the premises.

In 1872 I happened to meet Green Arnold here in this city; he said he had an opportunity to send said papers to Washington. I thereupon handed them over to him good order and a perfect state of preservation. And further deponent saith not.

LEVI ANDERSON.

Subscribed and sworn to before me this 23d day of April, 1884.

[SEAL.]

WM. FOLEY,
Notary Public for the State of Oregon.

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1885.

SIR: In compliance with the first clause of section 445, Revised Statutes, I have the honor to transmit herewith the reports, papers, and evidence in the claim of Richard B. Holbrook, of Bellingham Bay, Washington Territory, for compensation on account of depredations alleged to have been committed by Washington Territory Indians, amounting to \$1,378.20, in 1854.

A report of the Commissioner of Indian Affairs, dated February 4, 1885, shows the nature, character, and amount of said claim, the evidence presented in support thereof, and the action taken by that officer under the rules and regulations prescribed by this Department, under section 466, Revised Statutes, for the investigation of such claims.

He states that the evidence is not, in his opinion, sufficient to warrant any allowance, and therefore submits the claim without recommendation.

The claim is respectfully submitted for the action of the Congress.

Very respectfully,

H. M. TELLER,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 4, 1885.

SIR: I have the honor to submit herewith the claim of Richard B. Holbrook, amounting to the sum of thirteen hundred and seventy-eight dollars and twenty cents (\$1,378.20) on account of depredations alleged to have been committed by Washington Territory Indians in the year 1854.

Exhibits A and B.—Claimant, in his sworn declarations, dated January 5, 1855, and March 28, 1881, respectively, in substance states that on the 28th of May, 1854, a band of Washington Territory Indians (tribe unknown) stole, destroyed, and carried away the following described property belonging to him, to wit:

40 blankets	\$160 00	1 musket	\$12 00
256 yards shirting	63 00	1 pair pistols	10 00
222 yards calico	55 50	1 cutlass	5 00
5 dozen handkerchiefs	15 00	1 bowie knife	5 00
20 pounds beads	40 00	25 pounds powder	25 00
14 pounds vermilion	14 00	100 pounds shot	20 00
4 gross fish-hooks	18 00	1 dozen boxes gun-caps	12 00
4 dozen hickory shirts	48 00	1 dozen fish-lines	12 00
3 dozen fancy shirts	54 00	1 dozen saw-files	3 00
2 dozen pants	96 00	1 silver watch	40 00
1 pilot-cloth coat	20 00	1 clock	20 00
2 frock coats	30 00	1 shovel, \$1.50; 1 pick, \$1.50;	
2 pair pants	14 00	2 hoes, \$2; 5 shawls, \$25	30 00
1 feather bed and bedding	25 00	26 pounds soap, \$5.20; 4 pails, \$3;	
4 vests	16 00	1 ship's lantern, \$10; 5 pounds	
2 hats	5 00	thread, \$15	33 20
1 dozen white shirts	18 00	12 boxes needles, \$9; 1 geogra-	
1/2 dozen pairs drawers	9 00	phy, \$1.50	10 50
1/2 dozen pairs undershirts	9 00	1 Webster's dictionary, \$5; 1	
1 dozen pairs socks	7 50	bible, \$1; 1 kettle, \$2	8 00
1 pair boots	7 00	1 coffee-pot, \$1; 1 frying-pan,	
2 pairs shoes	4 00	\$1.50; provisions bought of	
Medicines	20 00	Low & Co., \$200	202 50
1 cross-cut saw	15 00	1 set dinner plates, \$3; 1 set	
1 drawing-knife	3 00	cup and saucers, \$1.50	4 50
2 axes	6 00	1 set mugs, \$2; 1 clothes-bag,	
100 pounds nails	10 00	\$3; oil soap, \$6	11 00
"Smith's" hammers and tongs	5 00	120 pounds tobacco, \$90; 1 tea-	
1 brace and bits	10 00	kettle, \$2	92 00
5 gimlets	2 50	4 chisels, \$3; 2 dozen spoons, \$3	6 00
1 hammer	1 00		
1 riveting hammer	1 00	Total amount of losses	1,378 20
1 rifle	15 00		

Claimant further states while temporarily absent from his home on the 28th of May, 1854, his house was broken open and entered by a party of Indians and the above-described goods stolen, destroyed, and carried away; that he was requested by the then superintendent of Indian affairs to make out and file a claim therefor; and, further, the prices charged are reasonable and just.

Claimant further states, under date March 28, 1881, that while away from home at the time, as before stated, he was on a fishing trip, expecting to return in the evening,

but, owing to a strong wind blowing on the water, it was deemed unsafe to return till next morning, when arriving at his home he found the house broken open and his property gone; that none of said property has ever been recovered, and that he has never at any time attempted to obtain private satisfaction or revenge for his losses.

Exhibit C.—Claimant, in support of his claim, files the affidavit of A. M. Poe, who, under date January 5, 1855, in substance states: That he is personally well acquainted with claimant and believes him to be a man of good moral character, and has no doubt of claimant's being robbed in the manner and at the time as stated by him; and, further, that the prices charged are reasonable and just.

Exhibit D.—The affidavit of Henry Roeder is also filed in support thereof, who, under date March 25, 1881, in substance states that he has resided in ——— County, Washington Territory since January, 1854, and was, and now is, well acquainted with claimant, who was trading and packing salmon at Dillingham Bay, and fully corroborates the statement of claimant regarding his losses by being robbed by Indians; and that, upon the recommendations of the superintendent of Indian affairs for the Territory, claimant was requested to file his claim with that officer, in hopes of ultimately being paid by the Government; and, further, he has always known claimant to be an honorable man.

Exhibit E.—The affidavit of Samuel D. Howe is also filed, who, under date March 24, 1881, in substance states that he has known claimant since 1854, and who fully corroborates the statements of claimant and affiant Henry Roeder relating to the claim of Mr. Holbrook as stated by him.

Exhibit F.—The affidavit of Eli Hatheway is also filed in support of said claim, who, under date March 21, 1881, in substance states that he is personally acquainted with claimant and believes that he lost the amount of property as claimed, and by Indians unknown at the time by claimant.

Exhibit G.—The affidavit of Capt. Lafayette Balch is also filed, who, under date January 5, 1855, in substance says that he is personally acquainted with claimant, and believes him to be a person of good moral character, and he also believes that claimant was robbed on the 28th of May, 1854, by a party of Indians, who took goods amounting to the sum of \$1,378.20, and that he has examined Mr. Holbrook's list of articles stolen by said Indians, and considers them rated at a fair valuation.

Exhibit H.—United States Indian Agent R. H. Milroy, of the Pnyallup and Nisqually Agency, in reporting upon the claim, under date December 9, 1881, in substance states that the spoliation claim of R. B. Holbrook, for \$1,378.20, is well sustained by proofs, and that the loss of the goods (as stated) is clearly proved by circumstantial evidence to have been committed by Indians, without any reasonable doubt, and the agent recommends payment.

There is no evidence other than the belief of claimant and witnesses that the depredation was committed by Indians, and this evidence, in my opinion, is not sufficient to warrant any allowance. I therefore submit the claim for such further action as the Department may deem proper.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

EXHIBIT A.

BELLINGHAM BAY, June 1, 1854.

SIR: On the morning of May 28, while from home, my house was broken open and robbed, by a party of Indians, of my goods, tools, provisions, and clothing. I came to this bay a few weeks previous to my being robbed to engage with Capt. Eli Hatheway in the salmon business, to whom I respectfully refer you.

I will submit to you the following list of articles stolen by the Indians.

Being informed the governor is authorized to adjust all difficulties with the Indians, I take the first opportunity to address you and submit to you the damages sustained.

Yours, most respectfully,

RICHARD B. HOLBROOK,

Hon. C. H. MASON,
*Acting Governor and Superintendent of
Indian Affairs in Washington Territory.*

INDIAN DEPREDAATION CLAIMS.

17

List of articles taken by Indians May 28, 1854.

40 blankets	\$160 00	1 bowie knife	\$5 00
252 yards sheeting	63 00	25 pounds powder	25 00
222 yards calico	55 50	100 pounds shot	20 00
5 dozen handkerchiefs	15 00	1 dozen boxes percussion caps	12 00
20 pounds beads	40 00	1 dozen fish-lines	12 00
14 pounds vermilion	14 00	1 dozen saw-files	3 00
4 gross fish-hooks	18 00	1 silver watch	40 00
4 dozen hickory shirts	48 00	1 timepiece	20 00
3 dozen fancy shirts	54 00	1 shovel	1 50
2 dozen pants	96 00	1 pick	1 50
1 pilot-cloth coat	20 00	2 hoes	2 00
2 frock coats	30 00	5 shawls	25 00
2 pair cloth pants	14 00	26 pounds soap	5 20
Feather bed and bedding	25 00	4 pails	3 00
4 vests	16 00	1 ship lantern	10 00
2 hats	5 00	5 pounds thread	15 00
1 dozen white shirts	18 00	12 boxes needles	9 00
1/2 dozen drawers	9 00	1 geography	1 50
1/2 dozen undershirts	9 00	Webster's Dictionary	5 00
1 dozen socks	7 50	Bible	1 00
1 pair boots	7 00	1 iron pot	2 00
2 pair shoes	4 00	1 coffee-pot	1 00
Medicine	20 00	1 fry-pan	1 50
1 cross-cut saw	15 00	Provisions, as per bill of	
1 draw-shave	3 00	Dow & Co	200 00
2 axes	6 00	Set of plates	3 00
100 pounds nails	10 00	Set of cups and saucers	1 50
Smith's hammer and tongs	5 00	Lot of mugs	2 00
Bit-stock and bits	10 00	1 clothes-bag	3 00
5 gimlets	2 50	2 dozen spoons	3 00
1 claw-hammer	1 00	Oil suit	6 00
1 riveting-hammer	1 00	120 pounds tobacco	90 00
1 rifle	15 00	Tea-kettle	2 00
1 musket	12 00	4 chisels	3 00
1 pair pistols	10 00		
1 sword	5 00		
		Total	1,378 20

This is to certify that I have been acquainted with said Holbrook for the past twelve months, and verily believe that the within is a true statement, for which he can show vouchers for the principal part of the articles. He has been engaged in the fishing business here with Captain Hatheway, and through the present disaster he will be deprived of this season's work.

Respectfully, yours,

R. O. PEABODY,
Justice of the Peace for Whatcom County, Washington Territory.

EXHIBIT B.

RICHARD B. HOLBROOK, being duly sworn, says:

That in the month of May, 1854, he was engaged in the business of trading and fishing on Lummi Island, Whatcom County, Washington Territory, and that on the morning of the 27th day of May he and another person left his house and place of business, after having made secure his premises, as he supposed, against all trespassers, and proceeded a short distance from home in a boat upon a fishing trip, expecting to return in the evening, but that it came on to blow so hard that it was deemed unsafe to do so, therefore was detained from home until the next day afterwards, the 28th of May; that during his absence his house was broken into by Indians, but of what tribe or band he is unable to say, as at that time the Indians were very numerous, and constantly traveling about from one locality to another, and then robbed of all the goods and effects the house contained, as enumerated in the account rendered to the Hon. Isaac I. Stevens, then superintendent of Indian affairs for this Territory, in the year 1854; and I now again aver that the aforesaid account is just and true in every particular as stated in my account; and that I have never received back any portion of the stolen property, nor has he ever received any payment for the same or any portion thereof; and that the quantities and prices are justly stated, except per-

haps the article of "oil soap." This is a peculiar kind of soap, used principally by whalemens and others engaged in greasy occupations. This was a lot of soap in a barrel, just as I purchased it; the number of pounds I did not know, but am well satisfied that the value is not overestimated, being just the price I paid for it when I purchased it; and he further avers that he has never attempted to coerce or intimidate in way any tribe or band of Indians, so as to recover back the stolen property or payment for the same; but that as soon as he could he filed his account with the then superintendent of Indian affairs for this Territory, who assured him his account should receive early attention. The claim being, as he always has supposed, properly in the hands of the Government, has therefore taken no further action for the recovery of the same, believing that in the course of time he would be ultimately indemnified for his losses.

R. B. HOLBROOK.

Subscribed and sworn to before me this 28th day of March, A. D. 1881.

[SEAL.]

ROBERT C. HILL,

County Auditor, Island County, Washington Territory.

EXHIBIT C.

A. M. POE, of Whatcom County, Washington Territory, being first duly sworn, says that he is personally acquainted with Richard B. Holbrook, and believes him to be a man of good moral character; that he believes the said Holbrook was, on the 28th day of May, 1854, robbed by a party of Indians of goods to the amount of \$1,388.20, and that he has examined Mr. Holbrook's list of articles stolen by said Indians, and believes them to be rated at a fair valuation.

A. M. POE.

Sworn and subscribed to before me, J. C. Head, this the 5th January, 1855.

J. C. HEAD, J. P.

EXHIBIT D.

TERRITORY OF WASHINGTON,
County of Island:

HENRY ROEDER, being duly sworn, says:

I reside in Whatcom County, Washington Territory, and was residing there in the year 1854, and was acquainted with Richard B. Holbrook at that time, and have been ever since, and know that in that year, I think in the month of May, during a temporary absence from home of a day or two, Mr. Holbrook's place of business was broken into by Indians and he was robbed of pretty much of all it contained, Mr. Holbrook being engaged in the business of trading and curing and packing of salmon. There can be no doubt but that the perpetrators of this robbery were Indians, for they were very numerous and constantly traveling about from one place to another, whilst the white population was very few, and particularly in the neighborhood of Bellingham Bay; in fact, every individual was known to each other, as well as their business operations, so if a white person or persons had been the guilty parties it would not only have been known to us living in the neighborhood, but by the citizens upon the sound generally. I learned soon after that upon the recommendation of the superintendent of Indian affairs for this Territory that he filed his account of his loss with that officer in the hopes of ultimately being paid by the Government for losses he sustained by this robbery, through no fault, I think, on his part, for at that time it was no unusual matter for one of our citizens to be absent from his home for a day or two if his business required it. I am well assured in my mind that Mr. Holbrook never received any of the stolen property back again, or that he ever received any pay for the goods stolen or for any part of them. I have been well and personally acquainted with Mr. Holbrook both before and since this robbery was perpetrated, and have always known him to be an honorable and much respected citizen; and I further say that I have no interest in the claim of Mr. Holbrook of a pecuniary character, either directly or indirectly, but cheerfully give this affidavit in the hopes that it may assist him in securing what I deem a meritorious claim.

HENRY ROEDER.

Witness to signature:
ROBERT C. HILL.

TERRITORY OF WASHINGTON,
County of Island, ss :

On this 25th day of March, A. D. 1881, before me, Robert C. Hill, county auditor in and for the county of Island, Washington Territory, personally came the within-named Henry Roeder, whose name is subscribed to the foregoing instrument, and after being duly sworn, on oath says that he is the party named in the foregoing affidavit; that he has heard the same read, knows the contents thereof, and believes the same to be true.

Witness my hand and official seal this 25th day of March, A. D. 1881.

[SEAL.]

ROBERT C. HILL,

County Auditor, Island County, Washington Territory.

EXHIBIT E.

SAMUEL D. HOWE, being duly sworn, says:

That I was acquainted with Richard B. Holbrook in the year 1854, who was at that time engaged in fishing and trading on Lummi Island, Whatcom County, Washington Territory, and that whilst in the pursuit of these occupations his house and place of business was broken into, and he was robbed by Indians of all the goods and effects he had in his house at the time, this robbery being perpetrated, I think, in the month of May, 1854, but what tribe or band of Indians did the robbery I am unable to say, and I think it would be almost impossible for any one to know other than some one who actually witnessed the perpetration of the robbery, for at that time the Indians were very numerous and constantly traveling about from one locality to another, so that it would be even difficult to conjecture as to what tribe or band the guilty parties belonged, but that Indians were the perpetrators of the crime there cannot be a shadow of doubt, for if white persons had been the guilty parties their crime would have been known soon afterwards, for at that time the white population was very sparse on Puget Sound, and particularly in the neighborhood where Mr. Holbrook resided; in fact, I think he had no nearer neighbors than those residing at Bellingham Bay, which was a number of miles distant, except a person who resided near Mr. Holbrook, and who was engaged in the same kind of business as Mr. Holbrook, but was with Mr. Holbrook, as I understand, at the time he was robbed, and do now believe it was generally conceded by every one with whom I conversed at the time, and ever since, that Indians were the perpetrators of the crime, but of what tribe or band no one seemed to have any knowledge. I am well assured in my own mind that Mr. Holbrook lost the goods enumerated in his account rendered to the superintendent of Indian affairs for this Territory in the year 1854, and I further state, to the best of my knowledge and belief, having been acquainted with Mr. Holbrook ever since the occurrence of his loss and in a situation to know, having been a near neighbor to him for a number of years after he was robbed, that he never received back any part of the stolen property again, nor anything in payment for the same, or any portion thereof, but that he as well as others have considered always that he had a just claim for indemnification, which I also think. And I further say that I have been intimately acquainted with Mr. Holbrook for the past twenty-nine years, and have always known him as an honorable gentleman, therefore incapable of rendering or attempting to collect an unjust account either against an individual or the Government. And I further declare that I am in no wise interested pecuniarily in the collection of this claim, but believe in justice he should be paid.

SAMUEL D. HOWE.

Subscribed and sworn to before me this 24th day of March, A. D. 1884.

[SEAL.]

A. MACKINTOSH,

Notary Public, King County, Washington Territory.

EXHIBIT F.

TERRITORY OF WASHINGTON,
County of Island :

ELI HATHEWAY, being duly sworn, says:

That he is well acquainted with Richard B. Holbrook, and was also acquainted with him in the month of May, 1854. At that time I was a neighbor of his upon Lumi Island, Whatcom County, Washington Territory, where he was engaged in the business of selling goods, and curing and barreling of salmon. On the 25th day of

May, 1854, Mr. Holbrook and myself left our homes, after having, as we supposed, made them secure against a trespass from any quarter, and proceeded up the Gulf of Georgia a short distance upon a fishing cruise, expecting to be at home again that same evening, but it came on to blow so hard that we did not reach our houses again until two days afterwards, when it was discovered that both of our homes had been broken into and that we were robbed of pretty near the entire contents of both houses. Mr. Holbrook and myself were near neighbors and engaged in the same kind of business, that of trading and putting up of fish. I was in Mr. Holbrook's place of business perhaps seven or ten days before we left home and see all the goods in the store-house of Mr. Holbrook that was enumerated in the account rendered to the superintendent of Indian affairs for this Territory by Mr. Holbrook after the robbery occurred, and know that the items and the valuation of the same were correct. I did not at the time Mr. Holbrook discovered his loss, nor do I now, after the lapse of these many years, believe that any other persons other than Indians had any participation in the robbery; but of what tribe or band did it I have never been able to know, for at that time the Indians were very numerous, and constantly on the move from one locality to another. The nearest white people living to Mr. Holbrook were those living at Bellingham Bay, and they were all known to be persons of too good character to engage in the crime of robbery, and these persons were few in number as well as at other localities all over Puget Sound. There can be no question but that Indians did the robbery, for their tracks were clearly discernible all about the premises; and I further say that I know that Mr. Holbrook has never received back any portion of the goods stolen or any payment, either directly or indirectly, for the same or any part of them. I further again say that the account as made out and rendered by Mr. Holbrook to Governor I. I. Stevens, then acting superintendent of Indian affairs for this Territory, some short time after the occurrence of his loss, is just and correct in every particular, and I further say that I have always regarded Mr. Holbrook as an honorable gentleman, and as such I believe he is esteemed by every person who knows him. The losses Mr. Holbrook met with upon this occasion cannot, I think, be attributed to any carelessness or neglect of his own, as he informed me at the time that he had left his place secure, as he thought, against any trespasses. I regarded Mr. Holbrook at the time and do now as a prudent and careful person, for he was particular in keeping a close watch upon his property generally, but consoled himself upon this occasion in being unavoidably detained a day longer than he had intended that his home was secure from all harm.

ELI HATHEWAY.

Witness to signature:

ROBERT C. HILL.

TERRITORY OF WASHINGTON,
County of Island, ss:

On this 21st day of March, A. D. 1831, before me, Robert C. Hill, county auditor in and for the county of Island, Washington Territory, personally appeared the within-named Eli Hatheway, whose name is subscribed to the foregoing instrument, and after being duly sworn on oath, says that he is the party named in the foregoing affidavit, that he has heard the same read, knows the contents thereof, and believes the same to be true.

Witness my hand and official seal this 21st day of March, A. D. 1831.

ROBERT C. HILL,
County Auditor, Island County, Washington Territory.

EXHIBIT G.

Lafayette Balch, of Steilacoom, Pierce County, Washington Territory, being first duly sworn, says:

That he is personally acquainted with Richard B. Holbrook and believes him to be of good moral character; that he believes to the best of his knowledge that the said Holbrook was, on the 23th day of May, 1854, robbed by a party of Indians of goods to the amount of \$1,388.20 cents, and that he has examined Mr. Holbrook's list of articles stolen by said Indians and considers them rated at a fair valuation.

LAFAYETTE BALCH.

Sworn and subscribed to before me this the 5th January, 1855.

J. C. HEAD, J. P.

EXHIBIT H.

UNITED STATES INDIAN SERVICE,
PUYALLUP, NISQUALLY, &C., AGENCY,
Olympia, Wash. T., December 9, 1881.

SIR: I report the following upon the Indian spoliation claim of R. B. Holbrook for \$1,388.20: This claim is well sustained by proofs, and the loss of the items of goods named by the burglary and larceny of Indians is clearly proved by circumstantial evidence, and there can be no reasonable doubt about the claimant having sustained the loss of his goods as stated. But as said burglary and larceny took place in profound peace (May, 1854), and prior to the negotiation of any treaty with any Indian tribes in this Territory, the important question is, Is the Government any more liable to pay for and make good the amount of said burglary and larceny to the claimant because the same was committed by Indians any more than if the same had been committed by whites? If it is, then this claim should be paid.

Respectfully,

R. H. MILROY,
United States Indian Agent.

HON. COMMISSIONER INDIAN AFFAIRS.

H. Ex. 197—3

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